CONSTITUTION AND BYLAWS

OF

CHICKALOON VILLAGE

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CHICKALOON VILLAGE BYLAWS

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CONSTITUTION

OF

CHICKALOON VILLAGE

PREAMBLE

We, the Members of the Chickaloon Traditional Village, being a Sovereign Nation, in order to organize for the common good, to govern ourselves under our own laws and customs, to maintain and foster our Tribal Culture, to protect our homeland and to conserve and develop its natural resources, and to insure our rights guaranteed by the Federal Government, do establish and adopt the following Constitution and Bylaws for the Government, protection, and common welfare of the Chickaloon Village and its Members. Anything herein contained that does not protect Chickaloon Village and its members, shall have no effect and shall be amended.

ARTICLE I - JURISDICTION

The Governmental powers of the Chickaloon Traditional Council, a Federally recognized Sovereign Indian Tribe, shall be consistent with applicable Federal Law extend to all persons, and subjects, to all lands and other property including natural resources, and to all waters and air space, within the exterior boundaries of the Chickaloon Traditional Village including any land which may hereafter be added to the Chickaloon Traditional Village shall, consistent with applicable Federal Law, also extend outside the exterior boundaries of the Traditional Village to any persons, subjects, or real property which are, or may hereafter be, included within the Jurisdiction of the Tribe under any Law of the United States or of the Tribe.

ARTICLE II - TRIBAL MEMBERSHIP

Section 1. Requirements

Membership in the Chickaloon Village shall consist of the following persons:

(a) Those persons of Alaska Native blood whose names appear on the Tribal roll.

(b) Those persons who are descendants of persons

enrolled on the Tribal Membership roll.

(c) A person shall be removed from the Tribal Membership roll only in accordance with the procedures set forth in Section 5 of this Article.

Section 2. Appeal from Denial of Membership Application

Any person whose application for Membership in the Traditional Village is denied shall have the right to appeal such adverse decision to the Tribal Judiciary, but only after exhausting all remedies available within the Tribal Council.

Section 3. Removal from Membership Roll by Tribal Council

If, upon the report and recommendation of the Enrollment Committee, the Tribal Council determines that any person lacks a required Membership qualification, proceedings shall be instituted against such person from the Tribal Membership roll. Only after a final decision is rendered in favor of the Tribal Council shall the affected person's name be removed from the Tribal Membership roll.

Section 4. Voluntary Relinquishment of Membership

Members of the Chickaloon Village may relinquish Membership in the Tribe in accordance with procedures established by the Tribal Council. However, any member of the Tribe who relinquishes Membership voluntarily, or who forfeits Membership by enrolling in another Indian Tribe, shall not again be eligible to enroll as a member of the Chickaloon Traditional Village.

ARTICLE III - POWERS OF THE TRIBAL GOVERNMENT

Section 1. Powers of the Tribal Council

The Tribal Council, shall be vested with all executive and legislative powers of the Tribe including the power to make and to enforce laws, and including such powers as may in the future be restored or granted to the Tribe by any Law of the United States, or other authority. The powers of the Tribal Council shall include but not limited to those powers vested in the Tribe, to employ legal counsel, the choice of counsel and fixing of fees, to prevent the sale, disposition, lease or encumbrance of Tribal lands, interest in lands, or other Tribal assets without the consent of the Tribe; and to negotiate with International, Federal, State and local governments. This Constitution and Bylaws and Ordinances of the Tribal Council adopted pursuant to this Constitution shall be the Law of the Chickaloon Council and all persons subject to its Jurisdiction. However, the Tribal Council shall exercise its powers consistent with the limitations

imposed by this Constitution and Bylaws.

Section 2. Powers of the Tribal Judiciary

The Tribal Judiciary, shall be vested with all judicial powers of the Tribe including the following powers: to resolve controversies between and among persons where such controversies arise under this Constitution and Bylaws, Tribal Resolutions, Ordinances, and Motions, the Constitution and Laws of the United States, or the Constitution and Laws of any Indian Tribe; and to decide cases in which a person is accused by the Tribe of committing an offense against the Laws of the Tribe. The powers granted to the Tribal Judiciary by this Section shall include such judicial powers as may in the future be restored or granted to the Tribe by any Law of the United States, or other authority. Decisions of the Tribal Judiciary shall be binding upon all persons within the Jurisdiction of the Tribe. The Supreme Court of the Tribe shall be the final and Supreme interpreter of this Constitution and Bylaws, and all Tribal Resolutions and Ordinances. However, the Tribal Judiciary shall exercise its powers consistent with the limitations imposed by this Constitution and Bylaws.

ARTICLE IV - THE TRIBAL COUNCIL

Section 1. Composition, Terms of Office, and Classes

(a) The Tribal Council of the Chickaloon Village shall be composed of five (5) Members of the Tribe elected at large by the eligible voters of the Tribe.

(b) Tribal Council Members shall serve terms of Office of three (3) years.

Section 2. Election of Tribal Council.

With candidates placed in order of number of votes received from the highest to the lowest, Office shall be filled beginning with the candidate who received the highest number of votes, and proceeding down the order provided that, no more than two (2) Offices of the Tribal Council shall be filled by non-resident Tribal Members.

Section 3. Requirements for Candidates for Election to the Tribal Council and for Tribal Council Members.

(a) To be eligible to be a candidate for election to the Tribal Council, a person must be a member of the Tribe at least eighteen (18) years of age as of the date on which the election is held. No person shall be eligible to be a candidate for election to the Tribal Council who has been

convicted of a major crime, unless the Tribal Council, in accordance with such rules as it may establish, certifies that the person in question is rehabilitated. Such certificate of rehabilitation shall be based upon the person's record of behavior since the conviction.

(b) In any election in which it is necessary to fill all open Offices with residents in order that three (3) Offices will be filled by residents of Alaska, only persons who are members of Chickaloon Village shall be eligible to be candidates for election to the Tribal Council.

Section 4. Administration of Tribal Government.

The Tribal Council shall by Resolution or Ordinance establish a plan for the administration for the government of the Tribe; provided that, this Section shall not be construed to include the administration of the Tribal Judiciary.

ARTICLE V - THE TRIBAL JUDICIARY

Section 1. Structure.

(a) The Tribal Judiciary shall be composed of one Supreme court and of such lower courts as are designated to be established in this Article, and as may be established by Resolution or Ordinance by the Tribal Council as it deems appropriate to meet the needs of the Tribe.

(b) The Supreme Court of the Tribe shall have Jurisdiction over appeals from all final decisions of the lower courts of the Tribe. The Supreme court shall be composed of three (3) Judges. Supreme Court Judges may, if necessary and if so instructed by the Tribal Council, also serve as Judges of the lower Courts.

(c) The Tribal Council shall, determine and establish the number of lower trial courts necessary to serve the judicial needs of the Tribe. Such trial courts shall have Traditional and Original Jurisdiction over all cases and controversies of a civil or criminal nature.

(d) If the Tribal Council establishes special kinds of lower courts with original Jurisdiction over specified subject areas. the Tribal Council shall specify whether such Jurisdiction is exclusive or concurrent with the Jurisdiction of the trial courts established in subsection (c) of this Section.

(e) If The Tribal Council establishes an intermediate level of courts to hear appeals from all final decisions of the lower courts, the Supreme Court shall hear appeals only

from decisions of the intermediate courts of appeals. In addition, the Tribal Council may authorize the Supreme Court to exercise its discretion in all designated kinds of cases in deciding whether to hear an appeal in any particular case

Section 2. Appointment and Term of Office.

Tribal Judges shall be appointed by the vote of four fifths (4/5) of the Tribal Council.

Section 3. Compensation.

Tribal Judges shall receive for their services a reasonable compensation, as fixed from time to time by the Tribal Council. The Tribal Council shall not diminish the compensation of a Tribal Judge during his or her term of Office.

Section 4. Qualifications and Disqualifications.

(a) To be eligible to be appointed to the Office and to hold the Office of Tribal Judge, a person shall be a member of the Tribe, and shall demonstrate fitness and competency for the Office by taking appropriate examination, relevant to demonstrate competence for the Office of Tribal Judge.

(b) No person shall be eligible to be appointed to the Office of Tribal Judge who has been convicted of a major crime , unless the Tribal Judiciary, in accordance with such rules as it may establish, certifies that the person in question is rehabilitated. Such certificate of rehabilitation shall be based upon the person's record of behavior since the conviction. No Tribal Judge who is convicted of a major crime shall continue to hold Office.

Section 5. Removal From Office By Tribal Council and Automatic Vacancies.

(a) Tribal Judges may be removed form Office by the Tribal Council by the affirmative vote of at least four - fifths (4/5) of the entire Council, but only upon grounds of inability to carry out the duties of the Office; failure to carry out the duties of the Office; or lack of a requisite qualification for serving as a Tribal Judge. The Tribal Council shall notify the Tribal Judge in question and the Supreme Court, in writing not less than twenty (20) days prior to the meeting at which the Judge's removal is to be considered and voted upon. The notice shall specify the charge or charges and shall state the facts in support thereof. The Tribal Judge in question shall have full opportunity at the meeting at which his or her removal is to be considered and decided upon to examine all witnesses against him or her and to have his or her own witnesses

testify in his or her behalf. The decision of the Tribal Council shall be final and not appealable to the Tribal Judiciary. The Supreme Court, may upon receipt of notice of the removal charges, suspend the Tribal Judge in question from Office with or without compensation pending final action of the Tribal Council at the meeting.

(b) The Office of any Tribal Judge who is convicted of a major crime , who dies, or who resigns shall be deemed to be automatically vacant. Resignation from Office shall be written and shall be deemed to be effective as of the date tendered unless otherwise designated in the resignation document.

Section 6. Rules of Tribal Courts.

The Supreme court shall order and establish written rules of procedure and ethics for all Tribal Courts. Such rules may from time to time be amended as deemed necessary or appropriate by the Supreme Court. The Supreme Court shall consult with the Judges of the lower courts in establishing rules of procedure for the lower courts.

Section 7. Records and Court Clerk.

The Supreme Court shall implement the system of keeping records of proceedings of the Tribal Judiciary. The Supreme Court shall appoint a court clerk which shall be responsible for keeping the records of the Judiciary and Traditionally for administering the daily business of the Judiciary.

Section 8. Appropriations.

The Tribal Council shall give priority for appropriations of such funds as may be necessary to enable the Tribal Judiciary to carry out the provisions of this article.

ARTICLE VI - TRIBAL ELECTIONS

Section 1. Voter Requirements.

Any member of the Chickaloon Traditional Council who is eighteen (18) years of age or older on the date of the Tribal election in question shall be eligible to vote in Tribal elections.

Section 2. Voting.

Except as may be otherwise specified in this Constitution, voting in Tribal elections shall be by secret

ballot cast at polls established. Absentee voting and write-in voting shall be permitted in accordance with such procedures as shall be established by the Tribal Council. Proxy voting and cumulative voting shall not be permitted in Tribal elections.

Section 3. Action By The Tribe: Approval - Disapproval. Consent - Rejection:

Except as may be otherwise specified in this Constitution, the vote of a majority of the eligible Tribal voters voting in a Tribal election shall constitute action by the Tribe, including Tribal approval or disapproval, and Tribal consent or rejection.

Section 4. Regular and Special Elections.

The Tribal Council shall provide for the holding of regular elections, times and places for holding such elections. The Tribal Council shall also provide for the holding of special elections by establishing the procedure by which such elections may be called and held with adequate notice provided to Tribal voters. All Council members shall hold office untill new member has been duly chosen by tribal members.

Section 5. Elections Which Result In Ties.

In any Tribal election which results in a tie between two or more candidates, the tie shall be broken by some means of chance agreed upon by the candidates involved. In any Tribal election which results in a tie as to the approval or disapproval of an issue, the issue shall be determined defeated.

Section 6. Disputed Elections.

Any eligible Voter or group of eligible Voters of the Chickaloon Traditional Council may challenge the validity of the results of any Tribal election on the ground that such election was conducted in violation of the Constitution and Bylaws, or of Tribal Ordinance or of any provision of the Indian Civil Rights Act (18 U.S.C. S.1301 and 1302.) Such challenge shall be commenced within ten (10) days after the Tribal certifies the results of the election by a written complaint filed in a Trial Court of the Tribe. The complaint shall (1) specifically charge the person or persons alleged to violated the Law with having committed an offense against this Constitution and Bylaws, or Tribal Ordinance or a provision of the Indian Civil Rights Act (25 U.S.C. 89 S.1301 and S.1302 and (2) specify the constitutional provision or provisions, or the Tribal Ordinance or the provision of the Indian Civil Rights Act alleged to have been violated, and (3) state the facts alleged to have been violated, and (4)

state the facts alleged to support such charge or charges. Upon filing of such complaint the Trial Court shall promptly hold an initial hearing at which evidence is received from the complainant or complainants in support of the charges in the complaint. Any person or persons charged in the complaint shall have full opportunity to respond at the hearing to the charges and evidence offered in support of the complaint. At the conclusion of the initial hearing the Court may make a final decision in the case either dismissing the complaint or granting the relief sought; or the Court may order interim relief pending further investigation and hearings in the case. If the disputed election involves the filling of a Tribal Office, and the Court decides the further investigation and hearings are necessary, the Court shall at the conclusion of the initial hearing specifically grant or deny permission to fill the Office pursuant to the election results pending further investigation and hearing and a final decision on the charges.

The Court may at the conclusion of the initial hearing and in the interests of justice, appoint an unbiased commission to investigate the charges further and to present any evidence gathered to the Court at a hearing at which both sides in the case have opportunity to be heard to present evidence and to question the commission. At the conclusion of all hearings, the Court shall decide whether the charges have been proved. If the Court determines one or more of the charges have been proved the Court shall provide such relief as is appropriate, which may include invalidating the Tribal election in question and ordering a new election to be held.

ARTICLE VII - REMOVAL OF ELECTED OFFICIALS FROM OFFICE, AUTOMATIC VACANCY, AND THE FILLING OF VACANCIES

Section 1. Recall

(a) Any elected Official of the Chickaloon Traditional Council may be recalled from office at any time after holding office for one (1) year, by the eligible voters of the Tribe; provided that, recall shall not be a remedy against alleged action by a Tribal Official which may constitute a crime against the ordinances of the Tribe or the laws of the United States.

(b) The procedure by which an elected Official may be recalled shall be as follows:

(1) Circulation of Petitions. The recall petition may be circulated for signature for thirty (30) days. The petition must be signed by at least twenty-five (25%) of the total number of voters eligible to vote in the election in which the Official sought to be recalled was

elected. Each recall petition shall be the responsibility of one person who shall, upon filing the completed petition, attach his or her personal affidavit to the petition stating that her or she personally witnessed the signing of each signature and corresponding address contained in the petition stating that he or she believes each signature and corresponding address to be the name and address of the person who signed them, and that each person who signed the petition read or had explained to him or her the full text of the petition read or had explained to him or her the full text of the petition and the purpose of the petition. The recall petition with the Tribal Election Commission. Within five (5) work days after the filing of the recall petition, the Tribal Election Commission shall certify whether the recall petition contains the requisite number of valid signatures, and is otherwise sufficient.

(2) If the recall petition is certified sufficient, the Tribal Election Commission shall, within ten (10) work days after it certifies the validity of the recall petition. Set a date for a recall election to be held. Such recall election shall be held within thirty (30) days after the filing of the recall petition with the Commission and shall provide notice of such election date by posting notices at public places in Chickaloon and in appropriate urban areas, and publishing a notice in at least one newspaper with a wide circulation among eligible Tribal voters in Chickaloon.

(3) The affirmative vote of sixty percent (60%) of those voting at the recall election shall be sufficient to effect a recall of the Official from Office, provided that, at least thirty percent (30%) of the total number of eligible Voter's vote in the recall election. In the event the Official is recalled, the Office shall be deemed vacant and shall be filled.

Section 2. Expulsion and Suspension of Tribal Council Members

(a) The Tribal Council may by affirmative vote of two thirds (2/3) of the entire Council expel a Member of the Council from Office on grounds of failure to attend three (3) successive meetings of the Tribal Council, without good reason as determined by the Tribal Council, lack of a required qualification for holding Office, occurrence of a disqualification for Office, or misuse of funds.

Section 3. Automatic Vacancies.

(a) The Office of any elected Tribal Official who dies or resigns, who is convicted of a major crime, shall be deemed to be automatically vacant. Resignation of Office shall be written and shall be deemed to be effective as of the date rendered unless otherwise designated in the

resignation document.

Section 4. The Filling of Vacancies In Office.

(a) Any vacancy in the Office of an elected Tribal Official shall be filled as follows:

(1) The Tribal Council shall with in two (2) months appoint by a majority vote of the total number of Council, an eligible Tribal Member to fill the Office.

(b) Any special election required to be held under this Article shall be conducted in accordance with applicable provision of this Constitution and Bylaws and with applicable Tribal Ordinance. If a regular election is scheduled to be held within the time permitted to hold a special election, all issues shall be submitted to vote at the regular election.

(c) Any Tribal Official who, by operation of this Article vacates his Office shall not be eligible to succeed himself in that Office.

(d) Any Tribal Member appointed to Office under the provisions of this section shall be deemed to be subject to all provisions of the Article, and other Articles of this Constitution and Bylaws, and to other Tribal Ordinances generally applicable to elected Tribal Officials, and to his or her particular Office.

Section 5. Tribal Judiciary Excluded.

This Article shall not be applicable to the removal of Tribal Judges, nor to the filling of any vacancies in the Office of Tribal Judge.

ARTICLE VIII - INITIATIVE AND REFERENDUM

Section 1. Referendum Petitions: Suspension of Effect of Ordinance In Question.

When a referendum petition is certified as sufficient the Ordinance in question shall be suspended, if in effect, of from taking effect, if not in effect. Such suspension shall terminate if the Petitioner's committee withdraws its petition or if a majority of eligible Voters on submission of the Ordinance in question to them for vote, vote to retain the Ordinance.

Section 2. Action an Petitions

(a) Action by Tribal Council. When an initiative or referendum petition has been determined sufficient, the

Tribal Council shall:

(1) Enact the Ordinance as submitted by an initiative petition; or

(2) Repeal the Ordinance, or part thereof, referred by a referendum petition; or

(3) Decide to submit the proposal in a petition to the eligible Voters of the Tribe; provided, however, that the Tribal Council may change the detailed language of any proposed initiative Ordinance and may affix the title thereto, so long as the general character of the measure will not be substantially altered.

Section 3. Results of Election.

(a) Initiative. If a majority of the eligible Tribal Voters voting on a proposed initiated Ordinance vote in its favor, it shall be considered effective upon certification of the election results. If conflicting Ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.

(b) Referendum. If a majority of the eligible Tribal Voters voting on a referred Ordinance vote for repeal, it shall be considered repealed upon certification of the election results. If a majority of the eligible Tribal Voters voting on a referred Ordinance vote to approve such Ordinance, it shall be considered approved upon certification of the election results.

Section 4. Re-enactment, Amendment or Repeal.

An Ordinance initiated and adopted by the Tribal Voters may not be amended or repealed by the Tribal Council for a period of six (6) months after the date the election at which it was repealed; provided however, that any such Ordinances may be amended or repealed at any time by compliance with the provisions of this Article.

ARTICLE IX - RIGHTS OF TRIBAL MEMBERS AND OTHER PERSONS SUBJECT TO TRIBAL JURISDICTION

Section 1. Hunting, Fishing, Trapping, Gathering.

In addition to such other rights as are guaranteed by this Constitution and Bylaws; Members of the Chickaloon Traditional Council shall have the right to hunt, fish, trap, and gather food from plants subject only to those Tribal laws which are necessary to conserve these natural resources of

the Tribe; provided that, such right is reserved to the Tribe acting through its Tribal Council. Non-Tribal Members shall have no right to hunt, fish, trap, and gather foods from plants except as may be permitted by Tribal Ordinance.

Section 2. Rights of Persons Subject To Tribal Jurisdiction.

The Chickaloon Traditional Council and its Officers and agencies in exercising the powers of self-Government over persons subject to Tribal Jurisdiction shall not

(a) establish an Official Government religion;

(b) make or enforce any law (1) prohibiting the free exercise of religion of the dictates of conscience. or (2) abridging the freedom of speech or of the press, or of peaceful assembly or association, or the right to petition for a redress of grievances;

(c) violate a person's right to be safe against unreasonable searches and seizures of person and property;

(d) permit searches and seizures unless a Tribal Court issues a warrant upon a sworn statement presented to the Tribal Court showing reasonable grounds to believe that an offense against Tribal law has been committed and that the person or place to be searched holds evidence of the offense or that the person to be seized is evidence of the offense, and describing specifically the person or place to be searched or the person or thing to be without a warrant where justified by compelling circumstances as shall be defined by Ordinance.

(e) Subject any person for the same offense to be put in jeopardy of loss of liberty more than once;

(f) In any criminal proceeding against any person,

(1) compel such person to be a witness against the person's own interest including any instance where the person's testimony reasonably might lead to the institution of criminal proceedings against that person;

(2) deny such person the right to

(a) a speedy and public trial;

(b) to be informed of the nature and cause of the accusation;

(c) to confront adverse witnesses;

(d) to have witnesses in such person's favor compelled to appear to testify;

(e) to have, at such person's own expense, the assistance of counsel in defending against the accusation.

(3) deny to any person who is accused of a major offense as defined in Article V of the Bylaws of this Constitution, the right to a trial by jury of not less than six (6) persons, provided that, such person affirmatively requests such right and further provided that any person accused of an offense not punishable by imprisonment, shall have such right only at such person's own expense.

(4) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments.

(g) Deny to any person the equal protection of Tribal laws, provided that, this clause shall not be interpreted to grant to non-Tribal Members those rights and benefits to which the Tribal Members are entitled by virtue of their Membership in the Tribe.

(h) Deprive any person of liberty or property (1) without fully complying with procedural processes of Tribal law, or (2) application of Tribal laws which have no reasonable relation to the purpose for which they were enacted; and

(i) Enact any law imposing punishment on one person, or enact any law which makes an action a crime which was not a crime when such action was committed, or which increases the punishment for a crime committed before the effective date of the law, or which deprives a person in any accusatory proceeding of any substantial right or immunity to which the person was entitled before the effective date of the law.

ARTICLE X - LIMITED POWER OF TRIBAL COUNCIL TO TRANSFER OWNERSHIP OF, OR TO ENCUMBER, TRIBAL LAND OR INTERESTS THEREIN

Section 1. Limited Power to Transfer Tribal Land Out of Tribal Ownership

The Tribal Council shall not transfer land or interests therein out of Tribal ownership by any means unless, prior to any such proposed transfer taking effect, such proposed transfer is approved by a vote of two thirds (2/3) of the total number of eligible Voters of the Tribe, however, the Tribal Council may exchange Tribal land for land of equal value, but any such proposed exchange, prior to becoming effective, shall be approved by a vote of the Tribe

Section 2. Limited Power to Encumber Tribal Land.

(a) The Tribal Council may authorize the following encumbrances by a vote of a majority of the entire Tribal Council:

(1) Grants of permission to qualified non-Members, to use specified portions of Tribal land for residential, agricultural, commercial, or industrial purposes.

(2) Leases to Members of the Tribe of specified portions of Tribal land for residential, agricultural, commercial, or industrial purposes.

(3) Grants of rights-of-ways over Tribal land or interests therein, for the purpose of providing municipal services, such as water, sewage disposal, electricity, telephone and roads, to and for the benefit of Tribal Members, or the heirs and descendants of Tribal Members who hold a land use assignment, or a lease.

(4) Leases to United States or its agencies for the purposes of meeting eligibility requirements of federal housing programs; provided that, the term of such a lease shall be for a minimal period of time.

Section 3. *Limited Power to Develop Natural Non-Renewable Resources.*

The Tribal Council shall not develop on a commercial or industrial basis any natural Non-Renewable resources of the Tribe without the consent of the majority of the eligible Voters of the Tribe.

Section 4. Principle of Construction.

Section 2 of this Article shall not be construed to deny to the Tribal Council its Governmental power and authority to regulate activities of Tribal land for the Tribe's general welfare, including but not limited to , zoning, the regulation of commercial ventures, fishing, hunting and other sports activities, and regulations for the purpose of promoting health, safety, welfare, and conservation.

ARTICLE XI - USE OF TRIBAL LAND BY TRIBAL MEMBERS AND QUALIFIED NON-TRIBAL MEMBERS

Section 1. Land Use and Natural Resources Conservation Plan.

(a) Land Use and Natural Resources Conservation Plan.

The Tribal Council shall by Ordinance establish a comprehensive land use and natural resources conservation plans, for land and natural resources subject to Tribal Jurisdiction. Such plan shall include rules and procedures by which Tribal Members, and non-Tribal Members who qualify under Section 2 of this Article, may obtain permission to use a specified parcel of Tribal land for residential, agricultural, commercial or industrial purposes however, such permission shall not include any subsurface rights except as specifically authorized by the plan. Such plan shall also include rules and procedures by which Tribal Members may use the natural resources of the Tribe consistent with principles of conservation.

(b) Land Use Assignments.

Permission to use Tribal land for the purposes specified in this Section shall be evidenced by a land use assignment issued to persons who qualify. Copies of such assignments shall be filed and recorded by the Tribal Administrator.

(c) Land Use Assignments Not Transferable.

Permission to use Tribal land shall be a right granted only to the person designated in the land use assignment. Such permission shall not be transferable by the permittee during his or her lifetime, and shall pass upon the death of the permittee in accordance with regulations and procedures established by the Tribal Council by Ordinance.

Section 2. Use of Tribal Land By Non-Members.

(a) General Prohibition.

Except as otherwise specified in this section persons who are not Members of the Chickalcon Traditional Council shall not be permitted to use Tribal land for any purpose.

(b) Heir or Descendent Exception.

A non-Member who is an heir or descendent of a Member of the Chickaloon Traditional Council shall for purposes of determining inheritance of any land use assignment, have the same status as heirs or descendents who are Members of the Tribe, provided that, where a non-Member inherits the land use assignment, and not with standing any provision to the contrary in the land use assignment issued to the deceased Tribal Member, the term of such use assignment shall be deemed to be for 25 years. the Tribal Council may renew such assignment for subsequent terms, each not to exceed 25 years.

(c) Consent to Abide by Tribal Laws.

Any non-Member who inherits a land use assignment from a Tribal Member shall thereby be deemed to have consented to abide by all laws of the Chickaloon Village which would have been applicable to such land had the land use assignment in question been inherited by a Tribal Member, and further, such non-Member shall be deemed to have consented to the Jurisdiction of the Tribe for purposes of enforcing such laws.

ARTICLE XII - TRUST AGREEMENT BETWEEN THE CHICKALOON INDIAN NATION AND THE UNITED STATES

Section 1. Trust Agreement.

Upon taking Office, the Tribal Council shall enter into negotiations with the United States for the purpose of executing the kind of trust agreement between the Tribe and the United States.

Section 2. Negotiation Principles.

The Tribal Council in negotiating a long-term trust and management agreement with the United States shall be bound by the following principles which the Chickaloon Indian Tribe considers fundamentally important parts of such an agreement:

(a) The United States should expressly acknowledge that the Chickaloon Indian Tribe has the right to be self-determining to the maximum possible extent while still preserving the integrity of the trust responsibility of the United States to the Tribe. This includes the right to manage and control all Tribal Businesses, and the right to tax all assets held in or out of trust.

(b) The powers and responsibilities of the United States as trustee should be expressly and specifically set forth in the agreement.

(c) The United States should expressly agree that the Tribal forest land shall be managed on a sustained yield basis.

(d) The United States should expressly acknowledge that all Tribal assets transferred in trust for the Tribe shall, as of the date of this transfer, be exempt from all local, state and federal taxation; and that the Tribe the Tribal assets, the Tribal Members, and the Tribal Businesses shall be entitled to all immunities from taxation to which American Indian Tribes, their Members, and their Businesses

are entitled by the laws of the United States.

(e) The United States should expressly agree to provide business advice and other advice and assistance to the Tribe on request of the Tribe.

(f) The United States should expressly acknowledge the Tribe's right to exercise all Sovereign and Governmental powers within the boundaries of the Chickaloon Traditional Village jurisdiction.

Section 3. Approval by Tribe Required.

Any long-term agreement negotiated pursuant to Section 1 of this Article between the Chickaloon Traditional Council and the United States shall be effective only if such agreement is approved by vote of a majority of Tribal Voters voting, so long as the total vote cast is at least fifteen percent (15%) of those entitled to vote. Amendments to such agreement shall be effective only if approved in the same manner as the agreement.

ARTICLE XIII - TRIBAL GOVERNMENT CAREER AND MERIT SYSTEM OF EMPLOYMENT

Section 1. Merit Principle.

All employment and promotion of employees of the Tribal Government shall be made solely on the basis of merit and fitness as demonstrated by examinations or other evidence relevant to show competence for the particular employment in question. All termination of employment with the Tribal Government shall be made solely on the basis of incompetence, or any other reason which results in failure to perform employment duties satisfactorily.

ARTICLE XIV - FINANCIAL CONTROL

Section 1. Budget and Appropriations.

All appropriations by the Tribal Council of Tribal funds shall be in accordance with an annual budget established by available Tribal funds.

Section 2. Accounting System.

The Tribal Council shall by Resolution or Ordinance establish an accounting system.

Section 3. Fiscal Year.

The Tribal Council shall by Resolution or Ordinance establish a fiscal year for the Tribal Government.

ARTICLE XV - CONFLICT OF INTEREST

Section 1. Conflicting personal Financial Interest Prohibited.

In carrying out the duties of Tribal Office, no Tribal offical, elected or appointed, shall make or participate in making decisions which involve balancing a substantial personal financial interest, other than interests held in common by all Tribal Members, against the best interests of the Tribe.

Section 2. Other Conflicts of Interest.

The Tribal Council may by Resolution or Ordinance prohibit other kinds of conflicts of interest.

ARTICLE XVI - SOVEREIGN IMMUNITY

Section 1. Traditional Prohibition.

The Tribal Council shall not waive or limit the right of the Chickaloon Traditional Council to be immune form suit.

Section 2. Suits Against The Tribe In Tribal Courts By Persons Subject To Tribal Jurisdiction.

The Chickaloon Traditional Council shall be subject to Tribal Jurisdiction for the purpose of enforcing rights and duties established by this Constitution and Bylaws, by the Resolution or Ordinances of the Tribe, and by the Indian Civil Rights Act, 25 U.S.C. S.1301 and S.1302. The Tribe does not, however, waive or limit any rights which it may have to be immune from suit in the Courts of the United States or of any State, or of any Nation.

Section 3. Suits Against The Tribe In The Courts Of The United States.

In seeking redress of grievances against the Tribe, persons subject to Tribal Jurisdiction shall exhaust all remedies available to them under this Constitution and Bylaws and the Resolution or Ordinances of the Tribe before seeking redress of grievances against the Tribe in the courts of the United States under any law of the United States granting those persons such rights.

ARTICLE XVII - AMENDMENTS TO CONSTITUTION AND BYLAWS

This Constitution and Bylaws is adopted pursuant to Traditional Government consent and shall hold an election on the adoption of an amendment or amendments to this Constitution and Bylaws when requested by a vote of two-thirds (2/3) of the entire Tribal Council or by a petition signed by at least 25% of eligible Tribal Voters and validated in accordance with applicable rules of the Traditional Government, or if none, with applicable Tribal Resolution or Ordinance. The Secretary of the Interior shall not propose amendments to this Constitution and Bylaws.

ARTICLE XVIII - TRADITIONAL VILLAGE CONSENT

This Constitution and Bylaws and all Resolutions, or Ordinances, Motions, and Regulations, may be changed at any time by majority consent of the Tribal Council, or two thirds (2/3) of Members attending a meeting called for that specific purpose.

ARTICLE XIX - ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws when adopted by a majority vote of the eligible Voters of the Chickaloon Traditional Council of Alaska, voting in an election called for that purpose in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, and submitted to the Council for approval shall be effective from the date of approval.

BYLAWS

of

CHICKALOON VILLAGE

ARTICLE I - OFFICERS AND COMMITTEES OF THE TRIBAL COUNCIL

Section 1. Officers of the Tribal Council.

(a) Number. There shall be four Officers of the Tribal Council and a Council Member. A Chairperson, a Vice-Chairperson, Treasurer, and Secretary. No Council Member shall hold more than one (1) of these Offices simultaneously.

(b) Election and Terms of Office. The Chairperson, the Vice-Chairperson, Treasurer, and the Secretary shall be elected by the Tribal Council in accordance with rules and procedures established by the Council.

(c) Qualifications. The Chairperson shall be a resident of Alaska.

(d) Removal. A Council Member may be removed from the Office of Chairperson , Vice-Chairperson, Treasurer or Secretary by the Tribal Council in the Office in question, or non-participation in business of the Council.

(e) Vacancies. A vacancy in the Office of Chairperson or Vice-Chairperson, Treasurer, or Secretary shall be filled by the Tribal Council for the unexpired portion of the term.

(f) Chairperson of the Tribal Council. The Chairperson shall receive a reasonable compensation for services. Such compensation shall not be increased or decreased during a Chairperson's term in Office. The Tribal Council may authorize the Chairperson to serve full time in the Office.

The Duties and Powers of the Chairperson shall include but not be limited to the following:

(1) Preside at all meeting of the Tribal Council and at any other meeting called by the Tribal Council at which the Chairperson may be designated to preside.

(2) Represent the Tribal Council in its relations with other governments, but only where the Tribal Council has specifically and expressly authorized the Chairperson to do

so provided that the Tribal Council shall not authorize the Chairperson to take any action which under this Constitution and Bylaws must be taken by the Tribal-Council.

(3) Appoint Members of all committees of the Tribal Council subject to the approval of the Council and accordance with rules of procedure of the Council.

(4) Serve as an ex-Official member of all committees of the Tribal Council.

(5) Call special meetings when appropriate of the Council and of any committee of the Council, in accordance with this Constitution and Bylaws, Laws of the Tribe, and rules of procedure of the Council.

(6) Receive reports of all committees of the Council and deliver such reports or cause such reports to be delivered to the Council.

(7) Exercise supervision over all committees of the Council and recommend to the Council the establishment, consolidation or abolition of Council committees.

(8) Be responsible for the administrative details of calling and holding meetings of the Council and of the Tribal Members.

(9) Perform such other duties as may be prescribed by the Constitution and Bylaws, by Resolution, Ordinance, Motion or as required by the Tribal Council.

(g) Vice-Chairperson of the Tribal Council. The Vice-Chairperson of the Tribal Council shall perform the duties of the Chairperson when the Chairperson is absent or unable to perform his duties, or as long as the Office is vacant. In addition, the Vice-Chairperson shall perform such other duties as may be prescribed by the Constitution, by Resolution, Ordinance, or as required by the Tribal Council.

(h) Secretary of the Tribal Council. The Secretary of the Tribal Council shall perform the duties of the Chairperson when the Chairperson and the Vice-Chairperson are absent or unable to perform such duties. The Secretary shall also perform such other duties as may be required by the Tribal Council.

(i) Treasurer of the Tribal Council. The Treasurer of the Tribal Council shall perform the duties of the Treasurer including the keeping of all Tribal financial documents and records. The Treasurer shall also perform such other duties as may be required by the Tribal Council.

Section 2. Committees of the Tribal Council.

The Tribal Council shall establish such committees as it deems appropriate to provide research, investigating and advisory assistance to the Council in the exercise of its powers, Provided the, each committee shall be headed by a Tribal Council Member.

ARTICLE II - PROCEDURE OF THE TRIBAL COUNCIL

Section 1. Meetings of the Tribal Council.

(a) Regular Meetings.

The Tribal Council shall meet in offical session at least four (4) times a year at such time and place as shall be established. The order of business for any such meeting shall be posted; however, other business may also be transacted at such meeting if the Tribal Council votes to consider such other business.

(b) Special Meetings.

(1) Calling and Notice.

Special meetings of the Tribal Council shall be called by the Chairperson of the Council or by the Tribal Administrator, or by either the Chairperson or the Tribal Administrator upon the request of any two (2) Council Members.

(2) Business.

Any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the Members of the Council consent.

(3) Emergencies.

A special meeting of the Tribal Council may be called if such is necessary for the preservation or protection of the health, welfare, peace safety, or property of the Tribe. Efforts shall be made to give maximum practical notice to each Tribal Council Member.

(c) Open Meetings and Executive Sessions.

All meetings of the Tribal Council called pursuant to this Article shall be open to Tribal Members; and Tribal Members shall have reasonable opportunity to be heard under such rules and regulations as the Council may prescribe, provided, however, the Council may meet in executive session

for the following purposed:

(1) Personnel matters.

(2) Claims against the Tribe or the Tribal Council, whether in Litigation or otherwise.

(3) Legal consultation and advice.

(4) Matters involved in litigation concerning the Tribe or the Tribal Council.

(5) Deliberation and or review of any matter heard by the Council in a quasi-judicial capacity.

(6) Negotiations concerning the purchase, sale, lease or other acquisition of real or personal property, or interests therein, or concerning any contracts except these required to be the subject of competitive bidding.

The Tribal Council may determine not to keep a record of all or any part of the discussion in executive session; however, the Traditional reason for such determination shall be recorded, and a record shall be kept of any action taken in executive session. Such record may be withheld from inspection by Tribal Members pending final disposition of the matter concerned.

(d) Organization and Rules of the Tribal Council.

The Tribal Council shall adopt by motion written rules governing its own organization and procedure. Such rules shall be open and available to review by Tribal Members.

Section 2. Resolutions, Ordinances, and Motions.

(a) Procedure for Passing Resolutions and Ordinances.

Except for emergency Ordinances and Ordinances organizing into codes other related and existing Ordinances, the following procedure for enactment of Ordinances, the following procedure for enactment of Ordinances shall be followed:

(1) The Resolution or Ordinance shall be introduced at either a regular or special meeting of the Council by any Council Member, and

(2) The Resolution or Ordinance shall be read in full, and copies of the Resolution or Ordinance shall be made

available to the Tribal Council and to Tribal Members at or before the meeting at which the Resolution or Ordinance is introduced.

(2) Motions.

Every motion shall be adopted by the affirmative vote of at least a majority of the Tribal Council present at a regular or special meeting of the Tribal Council; provided that the quorum for such meetings shall be three (3) Council Members.

(c) Review of Resolutions and Ordinances By Tribal Judiciary.

If in reviewing a Resolution or Ordinance, the Tribal Court finds a part or parts of the Resolution or Ordinance to be invalid, the court shall determine whether the remaining parts of the Resolution or Ordinance are rendered inoperable as a result of the invalidity of the part or parts in question. If the court determines that the Resolution or Ordinance is not rendered inoperable, such Resolution or Ordinance shall, without the invalid part or parts, continue in effect.

(d) Emergency Resolutions and Ordinances.

Emergency Resolutions and Ordinances for the immediate preservation of public health, welfare, peace, safety, or property may be adopted by the Tribal Council at any meeting at which the emergency Resolution or Ordinance is introduced. Ordinance shall take effect immediately upon passage and for information purposes, shall be posted or published in full promptly after passage. An emergency Resolutions or Ordinances shall not be in effect longer than one hundred eighty (180) days after passage.

(e) Codification.

The Council shall, where appropriate, organize Resolutions and Ordinances into codes and maintain such codes in current formats. The Council shall periodically review the Codes, Resolutions, and Ordinances, and examine them for current need.

(f) Technical Codes.

Standard technical Codes, including amendments and revisions, promulgated by the Federal Government, or by any state, or by another Indian Tribe or by recognized trade or professional organizations may be adopted, in whole or in part by reference in an adopting Resolutions and Ordinances without reading or posting such Codes in full. Such adopting Resolutions and Ordinances shall also be deemed to adopt by

reference, in whole or in part, any other Codes incorporated in the adopted Code. The enactment of Resolutions or Ordinances adopting any such Code or Codes shall be as provided in this section, and the posted thereof shall state that topics of the Code or Codes proposed to be adopted are available for inspection at the Office of the Tribal Administrator. Any penalty clause in said Code or Codes may be adopted only if set forth in full in the adoption of the Resolution or Ordinance.

(g) Amendment or Repeal.

No Resolution or Ordinance or Section or subsection of a Resolution or Ordinance shall be amended, superseded, or repealed except by an Resolution or Ordinance regularly adopted, provided that, repeal may be by reference to the Title of the Resolution or Ordinance or any part thereof.

(h) Authentication of Resolution or Ordinance.

An Resolution or Ordinance as finally enacted shall be authenticated by the signature of the Chairperson of the Council or other person authorized by the Tribal Council. A true copy of every such authenticated Resolution or Ordinance shall be numbered and recorded in the official records of the Tribe. Attached to each Resolution or Ordinance and made a part thereof, shall be a certification by the Chairperson of the Tribe or other person authorized by the Council, that the same has been posted in accordance with this Constitution and Bylaws and any applicable Tribal Resolution or Ordinance.

Section 3. Tribal Records.

(a) Tribal records shall include documents of all kinds and any other form of record keeping which result from the operation of both branches of the Tribal Government. Except as otherwise specifically provided by Tribal Resolution or Ordinance, Tribal records shall include, but not necessarily be limited to the following: records of meetings of the General Membership, of the Traditional Council and any action taken therein; records of Court proceedings and any Court decisions or orders; all correspondence, memoranda, and any other documents or other form of records produced by Tribal Officials or their agents while holding Tribal Office and during the performance of the duties of Tribal Office.

(b) The Tribal Council may designate the form in which Tribal records shall be kept. The Tribal Council shall keep records of all actions taken by the Tribal Council, shall, if feasible, keep records of all debate and discussion underlying such actions. It shall also if feasible, keep records of all action, debate and discussion at Traditional Council meetings. The Tribal Council, in consultation with the Supreme Court of the Tribal Judiciary, shall provide for

the keeping of records of proceedings, decisions, and orders of the Tribal Judiciary. The Supreme Court of the Tribal Judiciary shall be responsible for implementing the record keeping system so established.

(c) Chickaloon Traditional Council, shall be the exclusive property of the Chickaloon Village, and shall be transferred by Tribal Officials.

(d) Tribal records shall be preserved in the files of the Tribal Council or, where appropriate, in the files of the Tribal Judiciary. Except as provided in this Section, all Tribal records shall be fully accessible for review by any Tribal member or his or her authorized representative, provided that, such review shall be conducted during normal office hours of the Council. The Tribal Council shall establish rules and procedures so the such review will be conducted in a reasonable manner so as to avoid undue disturbance of the daily operation of the Tribal government.

Section 4. Posting Procedure.

The following shall be the procedure of the Council in posting any notice, Resolution, Ordinance, or other document as required by the Constitution and Bylaws or by Tribal Resolution or Ordinance.

(1) The Council shall designate by Resolution or Ordinance no fewer than four (4) places within the reservation and appropriate number of places in appropriate urban areas where such posting shall be done. If any posting place is to be changed, the Council shall make such change by Resolution or Ordinance..

(2) Posting shall take place as soon as practicable.

ARTICLE III - TRADITIONAL COUNCIL

Section 1. Annual Traditional Membership Meeting.

The Tribal Council shall set the time, date, and place for annual meeting of the Traditional Membership, and shall provide reasonable notice to Tribal voters of such meeting by posting such notice.

Section 2. Special Traditional Membership Meetings.

(a) The Tribal Council may call special Traditional Membership meetings when it deems it appropriate.

ARTICLE IV - OATH OF OFFICE

Every Tribal Official shall, prior to assuming the duties of the Office take the following Oath of Office:

I, _____, do hereby solemnly swear that I will support and defend the Constitution and Bylaws, and all tribal ordinances, resolutions, and orders of Chickaloon Village, Chickaloon Village Traditional Council and Chickaloon Village Traditional Court.

I will carry out faithfully and impartially the duties of my Office to the best of my ability; and that,

I will promote and protect the best interest of the traditional people of the Chickaloon Village.

ARTICLE V - DEFINITIONS

As used in this Constitution and Bylaws except as otherwise specifically provided or indicated by the context:

(a) "Major Crime" means any crime included in 18 U.S.C. S. 1153.

(b) " Convicted of a major crime" means conviction of a crime. as defined in paragraph (a) of this Article, where no further appeal is possible.

(c) "Tribal Council" means Tribal Traditional Council.

(d) "Tribal Official" means any person who is elected or appointed to Office by the Tribal Council.

(e) "Tribal Funds" means all funds of the Chickaloon Traditional Village.

(f) "Tribal Law" means an Ordinance or Ordinances adopted by the Tribal Council.

(g) "Tribal Employees" means all persons regularly employed by the Tribal Government who receive monetary compensation for their services.

(h) "Resident" means physically residing within the exterior boundaries of the Chickaloon Traditional Village jurisdiction.

(i) "Shall" in the context of provisions establishing the duties of the Tribal Government."means that compliance

with the provision in question is mandatory, and may be compelled by order of the Tribal Court, after all administrative remedies have been exhausted.

(j) "May" in the context of provisions establishing the duties of the Tribal Government, means that compliance with the provision in question is left to the discretion of the Tribal Government, or its agents and may not be compelled by Order of the Tribal Court, unless there is an abuse of discretion.

ARTICLE VI - AMENDMENTS TO BYLAWS

These Bylaws are an integral part of this Constitution; therefore, these Bylaws shall be subject to amendment in the same manner as the Constitution.

DULY CONSIDERED AND APPROVED THIS 1 DAY OF 17, 1985.

Alan Larson, Tribal Chairman

Daniel Cheatham, Tribal V.Chairman

Gary Harrison, Treasurer

Helen DePreist, Secretary

David Harrison, Council Member